

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAMICHAEL JOSEPH PAGALING,  
Plaintiff,

v.

LOS ANGELES COUNTY JAIL, et al.,  
Defendants.

Case No. 22-cv-01728 BLF (PR)

**ORDER GRANTING REQUEST  
FOR VOLUNTARY DISMISSAL**

(Docket No. 8)

Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On June 23, 2022, Plaintiff filed a motion for this case to be “removed from the docket.” Dkt. No. 8. He states that he “refiled it correctly, and a case is pending in Los Ang[e]les Federal court.” *Id.* The Court construes this filing as a request for voluntary dismissal.

A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless plaintiff’s notice of dismissal states otherwise, it is deemed to be “without prejudice.” *See* Fed. R. Civ. P. 41(a)(1); *Humphreys v. United States*, 272 F.2d

1 411, 412 (9th Cir. 1959).

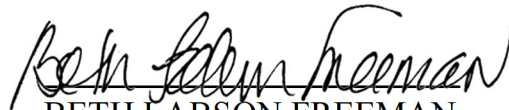
2 Based on the foregoing, Plaintiff's request for voluntary dismissal is **GRANTED**.  
3 Dkt. No. 8. This action is **DISMISSED** without prejudice.

4 Plaintiff also filed a request for discovery which should be made to the defendants  
5 in his pending action in "Los Angeles Federal court," consistent with the Federal Rules of  
6 Civil Procedure. Dkt. No. 9.

7 The Clerk shall terminate all pending motions, including Docket Nos. 4 and 9, and  
8 close the file.

9 **IT IS SO ORDERED.**

10 Dated: July 8, 2022

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California